DOCUMENT RESUME

ED 395 550 HE 029 209

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TITLE Scholars and Their Inquiry Paradigms: Exploring a Conceptual Framework for Classifying Inquiry and Inquirers Based upon Paradigmatic Assumptions.
PUB DATE Apr 96
NOTE 41p.; Paper presented at the Annual Meeting of the American Educational Research Association (New York, NY, April, 1996).
PUB TYPE Reports - Research/Technical (143) -- Speeches/Conference Papers (150)

EDRS PRICE MF01/PC02 Plus Postage.
DESCRIPTORS Classification; *Epistemology; Higher Education; *Intellectual Disciplines; *Legal Education (Professions); Models; Research Methodology; *Scholarship; *Social Sciences

ABSTRACT

This paper examines whether the social science-based typology of Yvonne Lincoln and Egon Guba (1994), in which social science scholars are divided into positivist, postpositivist, critical, and constructivist paradigms based on ontological, epistemological, and methodological assumptions in the discipline, can be adapted to the academic discipline of law, and whether it can serve as the basis for making cross-disciplinary comparisons toward a better understanding of issues like faculty culture and knowledge production. Lincoln and Guba's typology of paradigms was adapted to law, and the constructs that organized the typology and the resulting classifications were tested in interviews with 22 legal scholars at 3 law schools. The social science-based typology of paradigms was found to apply to law. Even though law has a distinct disciplinary culture and legal scholars view the uses of knowledge differently, legal scholars expressed assumptions that conformed with the social science classifications, although positivism was combined with postpositivism as legal realism. The ontological, epistemological and methodological assumptions of legal realists, and critical and interpretive legal scholars are discussed. (Contains 106 references.) (JPB)

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Scholars and Their Inquiry Paradigms: Exploring a Conceptual Framework for Classifying Inquiry and Inquirers Based Upon Paradigmatic Assumptions

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Paper presented at the 1996 Annual Meeting of the
American Educational Research Association
New York, New York
April, 1996

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[1]INTRODUCTION

Scholars have particular core assumptions in three different areas and these may classify them into paradigm-based groups (Lincoln and Guba, 1994). The first assumption is what one believes can come to be known about the world (ontology); whether there is a single reality or absolute truth that the researcher can discover or whether reality and truth are contingent upon what individual people necessarily construct. The second assumption is what one believes is the proper relationship between the researcher and the phenomenon being studied (epistemology); whether one can be objective in the search for some truth or whether values necessarily enter into the picture. The third assumption is what one believes is the appropriate way to go about finding what he or she assumes can be learned about the world (methodology).

These different assumptions about the basics -- reality, truth, objectivity, method -- cause scholars to work within different intellectual communities and academic cultures, just as inquiry or discourse in various academic fields is unique. Paradigms and disciplines overlap but are not necessarily identical. Both generate distinct cultures. The discipline embodies a culture around a particular substantive area of knowledge; a culture that determines how those in the discipline organize content, relate to other disciplines, determine what is worth studying, etc. (Lattuca and Stark, 1995; Dressel and Marcus, 1982). Shared paradigms also separate and define scholars, but along different, and sometimes less apparent, lines. Based upon their different ontological, epistemological, and methodological assumptions, scholars working in different paradigms view the purposes of their work differently, they apply different evaluative standards, rely upon different methods and frameworks, accept different types of values, etc.

Drawing from the vast sociology of knowledge literature, Yvonna Lincoln and Egon Guba (1994) divided social science scholars into four paradigms -- positivist,

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postpositivist, critical, and constructivist[2] -- based upon the distinct ontological, epistemological, and methodological assumptions that each brings to his or her work. In this paper, I explore data from scholars working within each paradigm within one discipline, law, with two research questions in mind. The first is whether the social science-based typology can be adapted beyond the social sciences into different types of academic disciplines; whether it can serve as the basis for making cross-disciplinary comparisons toward better understanding issues like faculty culture, knowledge production, etc. In addition, considering the applicability of the typology in a different type of academic field tests the aptness of the constructs at its basis and the soundness of classifying scholars into different paradigms based upon them. In other words, considering the typology within a new disciplinary environment invites reflection concerning its applicability within the social sciences.[3]

CONTEXT AND SIGNIFICANCE

Scholars in several academic fields, including law, increasingly employ different varieties of critical theory or interpretive models as the foundation for their work. The rise of these alternative inquiry paradigms to positivism and postpositivism has been unsettling; scholars working within the same disciplines increasingly construct and consider knowledge and inquiry differently and no longer share common philosophical traditions and distinct academic cultures (Collier, 1993; Delgado, 1993; Post, 1992; Levinson and Balkin, 1991; Posner, 1987; Kissam, 1986; Allen, 1983). Paradigmatic differences often

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[2] The constructivist paradigm carries several labels: interpretive, naturalistic, etc. Throughout the paper, I use the label interpretive, given it acceptance within legal scholarship, to represent Lincoln and Guba's constructivist classification.

[3] In a companion study, *Legal Scholars and Inquiry Paradigms: Understanding the Influences Upon Paradigmatic Assumptions and their Impacts*, presented at the 1995 ASHE Annual Conference, I investigated and addressed whether scholars make a conscious decision to adopt one or another of these very basic sets of paradigmatic assumptions. I also identified and explored what factors might persuade legal scholars to work within a particular paradigm and inventoried and examined how their paradigm choices might influence the professional lives of legal scholars.

coexist with potentially divisive social and cultural distinctions among scholars; personal factors like race and gender appear to strongly influence paradigmatic assumptions (Toma, 1995; Eskridge and Peller, 1991; Kissam, 1986). In addition, there may be a connection between alternative paradigms and interdisciplinary scholarship, a trend that has raised controversy in (Weiland, 1995, Bollinger, 1993; Rubin, 1993; Weinrib, 1988).

Paradigm differences are central in the "culture wars" that shape professional lives within disciplinary and campus communities. Understanding and interpreting these conflicts requires us to appreciate the paradigmatic boundaries at their foundation. Modeling these differences is crucial if we are to more fully discern the dimensions and sweep of the friction among scholars and offer suggestions toward accommodating difference (Weiland, 1995; Lincoln, 1992). Extending and testing the models proposed, particularly those as accepted as the Lincoln and Guba typology, becomes essential.

LITERATURE REVIEW

Beginning in the late nineteenth century, social scientists attempted to parallel natural scientists' successes in explaining the natural world by applying the scientific model to the study of social institutions (Hekman, 1986; Bauman, 1978). Legal scholars similarly began to apply the tenets of the scientific method to the study of law, also beginning in the late nineteenth century, with the ideas of Christopher Columbus Langdell.

The scientific method, though some argue that it has been "seriously discredited in recent decades, still serves as the basis for most social scientific research" (Hekman, 1986, p. 1; Hesse, 1980; Dallmayr and McCarthy, 1977). The principal challenge has come from several post-World War II philosophers of science -- namely Hanson, Kuhn, and Feyerabend -- who have attacked the positivist position (without necessarily abandoning it), concluding that presuppositions based in culture and theory, as well as the inconsistencies of language, influence scientific investigation (Trigg, 1993; Schroeder, 1991; Noble, 1982; Knorr-Cetina, 1981). These arguments are among the bases of postpositivism, the idea that concepts like reality, truth, and objectivity are not attainable

ends in themselves but are standards toward which to work. The same notions also provide the foundation for the interpretive tradition, which developed when philosophers including Gadamer, Habermas, and Rorty began to challenge the ontological basis of truth and understanding, as well as for critical theory, which reshapes notions of reality and attacks conceptions of objectivity.

The same intellectual movements have a history in law that is somewhat distinctive from the evolution of inquiry in the social sciences, given the differences between the phenomena being studied, the disciplinary cultures, etc. in the two types of academic fields. Langdell argued that the task of the legal scholar in the law library was the same as the natural scientist in studying natural phenomena, to discover rules and principles through the collection and organization of judicial doctrine (Stevens, 1983). His approach dominated legal scholarship until the legal realism movement of the 1920s and 1930s introduced empiricism into legal analysis. The legal realists challenged the absolute ontological and epistemological assumptions at the foundation of the formalist model -- the idea that law was composed of logical, objective rules -- just as the logical positivists redefined positivism into postpositivism in the social sciences. Karl Llewellyn, a leading legal realist, argued that legal scholars must study what judges actually do, not just the doctrine they produce. Jerome Frank carried realism further, suggesting that doctrine could be manipulated infinitely and judges only used it to rationalize decisions actually motivated by other forces (Williams, 1987).

Like postpositivism in the social sciences, the legal realist model remains central in current legal scholarship, but is not without challenge. Critical scholarship -- including that within the critical legal studies movement, but also critical race and critical feminist work -- emerged in the late 1970s with the pioneering work of Roberto Unger and Duncan Kennedy and both denounces and continues the realist tradition. Critical scholars have been quite successful in getting their ideas presented in the legal literature (Caudill, 1987). They parallel critical work in the humanities and social sciences in their writing,

underscoring what they perceive to be the hidden interests and class domination inherent in legal institutions; law is ideological, indeterminate, and contradictory (Turley, 1987). Interpretive theory also emerged within empirical legal scholarship in the 1970s and 1980s with the application by legal scholars of hermeneutical, phenomenological, and structuralist models from the humanities and social sciences to legal problems. Like in the social sciences, critical theory and interpretive work in law owes to traditions other than those associated with the natural sciences, the root of positivist and postpositivist thought.

Even though legal scholars work within the same inquiry paradigms and often with the same conceptual tools as scholars in other disciplines, including those in the social sciences, several characteristics mark and differentiate legal scholarship. Biglan (1973), Kolb (1981), and Becher (1989) are among those who have attempted to categorize the disciplines and describe their particular attributes. Becher suggests that disciplines differ in two key respects.

First, disciplines vary in their uses of knowledge. The soft-applied fields, which include law, are functional, utilitarian, concerned with the enhancement of professional practice,[4] and work toward protocols and procedures; "soft applied knowledge . . . is built up to a sizable extent on case law" (Becher, 1989, p. 15). Soft-applied work is routinely prescriptive, not descriptive; it frames recommendations to those who make decisions and is often concerned with arguments rather than inquiry (Rubin, 1991; 1988). In contrast, knowledge in the soft-pure disciplines, which include the humanities, is reiterative and holistic; scholars focus upon understanding and interpreting social phenomena, focusing primarily on particulars, qualities, and complication. Even though in soft-applied fields like law draw upon soft-pure knowledge as a means of understanding

[4] (Barnhizer, 1989; Allen, 1983). Others observe the thinly-veiled disdain legal scholars have for practitioners, and vice versa, and suggest that legal scholarship is not so functional, utilitarian, etc. Practitioners often see legal scholars and their work as impractical and legal scholars commonly view practitioners as doing the uninteresting work they consciously avoid by remaining in academe and not practicing (Gordon, 1993b; Edwards, 1992; Posner, 1987; Kronman, 1981).

complexity, the difference between the two is that applied scholars work toward "enhancing the quality of personal and social life," not simply understanding it (Becher, 1989, p. 15). Hard-pure knowledge in the hard sciences and social sciences, in contrast to soft and applied knowledge, is cumulative in nature and concerned primarily with universals, quantities, and simplification resulting in discovery and explanation (Becher, 1989; 1987).[5] Kolb (1981) portrays the hard sciences similarly; they are analytical, concerned with understanding wholes by identifying their component parts. The humanities and social sciences are, in contrast, synthetic and do not seek to understand wholes but their component parts.

Second, various academic fields differ in their disciplinary cultures. Disciplinary culture in the soft-applied fields like law is outward-looking, dominated by intellectual fashions, and focused upon understanding power relationships (Becher, 1989; 1987). In the humanities and pure social sciences (or soft-pure fields), the culture is individualistic, pluralist, loosely-structured, and person-oriented. The hard sciences (or hard-pure fields) are competitive, gregarious, politically well-organized, and task-oriented. They also have a much higher publication rate than those working in the humanities and social sciences (Becher, 1989; 1987). The hard-applied fields, like engineering, are entrepreneurial, cosmopolitan, dominated by professional values, and is role-oriented.

Despite these disciplinary differences, scholars work in one of a few common paradigms. The paradigm, according to Kuhn (1969), provides the researcher with the framework to conduct "normal science," the accepted work of a group of scientists that they conduct across accepted or model problems and solutions. Kuhn contends that throughout the history of science, normal science eventually produces anomalies that the prevailing paradigm cannot explain. These anomalies violate "the paradigm-induced

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[5] Becher does not recognize the interpretive tradition in his framework. His model is applicable, however, if reshaped to recognize that while interpretive social scientists work to enhance the quality of human life through discovery and explanation, they employ methods that recast discovery as understanding, in a manner similar to humanities scholars.

expectations that govern normal science" (Kuhn, 1969, p. 52) and prompt scientists to search for a new paradigm that better explains anomalies and enables a new phase of normal science. These transitions, or "scientific revolutions," are not necessarily smooth. Established scientists within a discipline are often reluctant to abandon their investment in a particular paradigm, instead dismissing the anomalies as counter-instances (Kuhn, 1969). While supporters of the new paradigm seek recognition, "the proponents of competing paradigms practice their trades in different [conceptual] worlds" (Kuhn, 1969, p. 150). In addition, there are "significant shifts in the criteria determining the legitimacy both of problems and of proposed solutions" (Kuhn, 1969, p. 109), as occurred with the introduction of critical and interpretive work in both law and the social sciences; an intellectual landscape that could easily be portrayed as a paradigm revolution.[6]

In their several works describing and championing the most recent "scientific revolution" in the social sciences -- the emergence of naturalistic (a/k/a interpretive or constructivist) methods -- Lincoln and Guba employ Kuhn's concept of paradigms as their foundation (Lincoln, 1994, 1992, 1990, 1989, 1985; Lincoln and Denzin, 1994; Lincoln and Guba, 1994, 1989, 1985; Guba, 1993, 1992, 1990a, 1990b, 1985; Guba and Lincoln, 1994, 1989, 1988). Lincoln and Guba chronicle the emergence of a new paradigm which challenges the "scientific method" currently dominant in scholarly research and link the concept of the paradigm to inquiry within the social sciences. They argue that any researcher falls within a certain inquiry paradigm based on his or her most basic ontological, epistemological, and methodological assumptions.

CONCEPTUAL FRAMEWORK

Drawing from the vast sociology of knowledge literature, Lincoln and Guba

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[6] Kuhn is not without his critics, although his notion of paradigms and paradigm shifts has enjoyed remarkable popularity across academic fields (Horgan, 1991). Feyerabend (1981) challenges Kuhn as supporting the positivist tradition within the philosophy of science. Toulmin (1972) disputes Kuhn's failure to adequately accommodate continuity in science, and his failure to explain change in science that occurs without struggle.

organize scholars into four paradigms. Given the similarities between the types of disciplines, but respecting their differences, I adapted Lincoln and Guba's typology of social science paradigms within the social sciences to law and tested both the constructs that organized the typology and the resulting classifications with empirical data.

According to Lincoln and Guba, the first group in the social sciences, *positivists*, argue that reality exists and they can predict and control it as objective researchers through testing and verifying questions and hypotheses, often using experimental and manipulative methods. The second group, *postpositivists*, do not abandon the idea that there is a single reality but simply accept that scholars cannot ever fully apprehend it. Postpositivists view objectivity in the same manner; it is impossible for the researcher to be objective, but objectivity should be the standard to which the researcher holds himself or herself. Consistent with both of these beliefs, postpositivists broaden the narrow methodologies that the positivists favor, sometimes drawing upon qualitative methods (Denzin and Lincoln, 1994; Phillips, 1990; Greene, 1990; Barnes, 1990; Guba, 1990; Knorr-Cetina, 1981; Hesse, 1980; Cook and Campbell, 1979; Popper, 1963). The third group, *critical scholars*, submit that scholars cannot divorce values from inquiry and maintain that scholarship should influence specific social change. Critical scholars work toward a single, apprehendable reality but believe it is shaped over time by social values. They are interested in social critique, transformation, and emancipation as the result of their work (Lincoln and Guba, 1994; Kincheloe and McLaren, 1994; Nielson, 1990; Guba, 1990; Popkewitz, 1990; Roman and Apple, 1990; Hutchinson, 1989; Anderson, 1989; Lather, 1986). The fourth group, *interpretive scholars*, base their work on understanding multiple realities and believe that the scholar creates, rather than discovers, findings using hermeneutical, phenomenological, and structuralist methodologies (Schwandt, 1994; Erlandson, et. al, 1993; Steier, 1991; Nielsen, 1990; Guba and Lincoln, 1988; Angus, 1986; Wachtenhauser, 1986; Hermann, 1982; Bauman, 1978; Geertz, 1973).

Even though disciplines in the social sciences and law share attributes, I

encountered two key complications in adapting the social science typology to legal scholars and legal. These complications embody my two chief findings; findings that I will explore in detail below. The first difficulty was that legal scholars engage in normative work ("what something should be") more than empirical work ("what something is"), whereas social scientists focus chiefly upon the latter. The typology accommodates empirical legal scholarship rather straightforwardly, given its similarities with empirical work in the social sciences. I also found the classification to be broad enough to incorporate normative legal analysis by considering only ontology and epistemology -- the first two of Lincoln and Guba's organizing constructs -- given that normative work does not have a methodology in the same way that an empirical study does.[7] The social science-based typology, therefore, appears to apply to a different type of academic field with only a slight adjustment that does not harm its integrity.

The second complication provided the other the main findings that I will develop in the remainder of the paper: I did not find a group among legal scholars who maintained a set of assumptions paralleling those Lincoln and Guba classify as positivists in the social sciences. Early nineteenth- and late twentieth-century formal legal scholars reflected the positivist tradition in their attempt to apprehend the law based on rational argument alone (Turley, 1987). The formalist model, however, lost currency within legal scholarship beginning with the legal realism movement in the 1920s, with its recognition of the indeterminacy and subjectivity inherent in the work of courts and legislatures (as well as legal scholars) (Brest, 1993, p. 1946; White, 1986; Trubek and Esser, 1989).[8] My data

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[7] Methodology may be less of an issue in legal scholarship because legal scholars generally borrow accepted social science methods; methods which have already been debated within the social sciences.

[8] Some commentators refer to contemporary legal scholarship, particularly the natural law tradition, as being formalist (Chow, 1992; Weinrib, 1988; Patterson, 1992). Minda (1989) argues that the "law and economics" tradition fits within the formalist tradition. I submit that these commentators mislabel these schools of thought as formalist if they use the term formalist in its early-twentieth century meaning. Even though these contemporary formalists scholars accept a realist ontology and an objectivist epistemology, my reading of

suggests that the same may be true of social scientists in the wake of postpositivist thought, which raises a key issue with Lincoln and Guba's four-part classification. It is an issue, however, that does not merit discarding their framework, but suggests that the positivist and postpositivist classifications should be collapsed into one.

Even with these complications, legal scholars engaged in postpositivist, critical, or interpretive work have comparable notions to social scientists of what they can come to know about the world and how they can come to know it. Members of the first group, *legal realists*, are postpositivists. They focus, generally, upon understanding the social factors that influence legal principles, often through applying the results of scientific and social scientific inquiry to legal situations. Legal realists do not make the same claims about the "true" legal theory purely objectively, as did the legal formalists who preceded them, but still view discovery and objectivity as standards (Brest, 1993; Gordon, 1993a; Nussbaum, 1993; Rubin, 1988; Fischl, 1987; Turley, 1987; White, 1986; Crampton, 1986; Trubek and Esser, 1989; Teachout, 1981). The second group, *critical scholars*, join their peers in the social sciences in their beliefs that scholars cannot divorce values from inquiry or argument, scholarship should influence specific social change, and reality is shaped over time by social values (Gordon, 1993a; Menkel-Meadow, 1992; Eskridge and Peller, 1991; Porter, 1991; Hutchinson, 1989; Trubek and Esser, 1989; Harrison and Mashburn, 1989; Cadill, 1987; Williams, 1987; Turley, 1987; Fischl, 1987; White, 1986; Unger, 1986). The third group, *interpretive scholars*, parallel scholars in the humanities and social sciences in basing their work on understanding multiple realities and employing hermeneutical, phenomenological, and structuralist theories and methodologies to get there (Campos, 1993; White, 1993; Rubin, 1992; Papke, 1989; Moontz, 1988; Kennedy, 1985; Kronman, 1981).

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their work is that they accept these assumptions as standards and not as attainable ends in themselves; they are postpositivists not positivists.

METHOD AND SAMPLE

I interviewed 22 legal scholars at three law schools, including faculty working in each of the three paradigms, doctrinal[9] and theoretical scholars, and a mix of scholars representing different demographic characteristics (gender, race, level of experience, etc.). Because I aspired to suggest new potential explanations, not verify existing ones, I employed grounded theory as a research method and analyzed and interpreted data using the constant comparative approach (Strauss and Corbin, 1990; Strauss, 1987; Glazer, 1978; Glazer and Strauss, 1967).

SAMPLE

The three law schools, which I call Right University, Center University, and the Left State University, are very different schools of roughly similar reputation.[10] Each is a consensus "top twenty" school in various reputational rankings, with private Right U. generally in the "top five," and private Center U. and public Left State in the "teens." In addition, two of these faculties, Right U. and Left State, are particularly noted for their work within a certain school of legal thought (each with very different paradigmatic features), with the third faculty, Center U., seen as producing more conventional scholarship. Left State is a "hotbed" of critical scholarship. The school was central in the critical legal studies movement and has long been associated with the study of law using sociological methods. Right U. is known as the home of law and economics scholarship. Law and economics generally attracts politically conservative scholars who are comfortable with quantitative approaches and embrace the "scientific method." Center University has a more neutral overall reputation but has scholars working in several paradigms. I developed my understanding about each school by asking each faculty member that I interviewed

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[9] Doctrinal legal scholarship focuses upon organizing legal doctrine to serve the daily needs of practitioners, not upon proposing new theories or constructions.

[10] I further bounded my study, looking only at scholars at elite institutions. I do not address the question of whether scholars at less elite institutions can be classified into paradigms based on their core assumptions about reality, truth, objectivity, etc.

about his or her institution and about the other two that I included.

At each law school, I interviewed both law faculty working within the realist paradigm and those who identify with the critical and interpretive paradigms. I included only full-time non-clinical faculty, given their focus on both teaching and research. I began the process of selecting my sample by contacting the associate dean for academic affairs at each school by letter and telephone, explaining my study in some detail and asking him to identify scholars on his faculty working in either the critical or interpretive inquiry paradigm. I also asked each dean to identify the two or three scholars on his faculty who most closely matched the demographic characteristics -- particularly years as a legal scholar, gender, and race and ethnicity -- of each critical or interpretive scholar. I treated those working in alternative paradigms differently in selecting specific faculty to interview because there are so few alternative scholars at each law school relative to conventional scholars. The same was true for my treatment of minority scholars relative to others.

Through my telephone conversations with the deans, I collected approximately 40 names of scholars, roughly 15 at each Left State and Center U. and 10 at Right U. (which has a smaller faculty). I contacted these scholars by letter, briefly explaining the study and asking them to participate in it. I scheduled via telephone or electronic mail appointments to meet with the faculty members if willing and able to participate. During these calls, I also identified potential other interviewees through a "snowball" technique, asking each person that I contacted to identify other appropriate prospective interviewees, whom I later contacted by letter and then by telephone. In the end, my sample included a balance of both younger and more experienced faculty, men and women, and majority and minority scholars. Finally, I chose to stop with 22 participants because at that point I recognized that the data I was collecting had become repetitive and the categories into which I was beginning to see the data fall were saturated.

METHOD

I conducted each initial interview face-to-face at the participant's office using a semi-structured interview protocol and tape recorded each. I reviewed two or more of the recent published articles by every interviewee and used them to provide our discussions with some context when convenient or necessary during the interview. The interviews took approximately one and one-half hour each. I conducted follow-up interviews with most of the participants, either in person, on the telephone, or via electronic mail. Prior to engaging my actual respondents, I conducted background interviews with law faculty at the University of Michigan in order to help refine my questions to "pilot test" my interview protocol. Before the various interviews, I assured the participant that I would keep his or her identity confidential.

In order to appreciate scholars' basic assumptions about reality and truth, I asked each scholar to compare his or her work with the model customary in the natural sciences along these two dimensions. The first involved whether he or she perceived as a goal discovering some truth about the world, as with a scientific law in one of the natural sciences; whether the world is comprised of facts and the goal of the scientist is to discover these and report them through empirical laws and theoretical propositions. In other words, I was interested in if the scholar is trying to uncover some inherent truth about the law when he or she sits down to write. The second main inquiry involved whether, like most natural scientists, their perception is that they are value-free and objective in their work or whether they strive for objectivity in their work with the recognition that they cannot fully reach it. I was interested in whether the legal scholars believed that they could remove their own values and biases in constructing an argument and whether that was even what they wanted to do.

Upon interpreting my data, the categories I produced conformed to the degree possible with the standard that they be internally consistent (internal convergence) but distinct from one another (external divergence) (Marshall and Rossman, 1995; Guba,

1985). I also searched throughout the process for negative instances and rival structures, two other internal checks on my decisions (Glazer and Strauss, 1967).[11]

FINDINGS

I found Lincoln and Guba's social science-based typology of paradigms constructed around ontological, epistemological, and methodological assumptions to apply within a non-social science discipline, law. Even though law has a distinct disciplinary culture and legal scholars view the uses of knowledge differently, legal scholars expressed assumptions that conformed with the social science classifications, with the sole caveat of collapsing positivism into postpositivism (called legal realism in law). The finding that there are no positivists in law should cause us to rethink any four-paradigm classification scheme, whether in the social sciences or other types of academic fields (even in the natural sciences). Given the influence of postpositivist thought, along with the presence of critical theory and interpretive work, which owes much less to the positivist tradition, it may impossible identify positivists in the social sciences in an empirical study, as it was in law. The Lincoln and Guba typology remains powerful, however. It appears to extend to different types of academic fields and its basic constructs appear to remain sound when tested, but only when reduced from four to three paradigm classifications.

LEGAL REALIST SCHOLARS

The conventional legal scholars, known as legal realists, were postpositivists in the same way as are social scientists; they purported to adopt a realist ontology and objectivist epistemology, but viewed these concepts as standards toward which to strive, not as ends in themselves.

Reality and Truth. The realist legal scholars offered two sets of comments

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[11] One primary limitation of my study is that it would be inappropriate for me to generalize broadly from my results, given the limited number of institutions I visited and the relatively small number of faculty I interviewed. In addition, I met with the practical difficulties of doing qualitative research, particularly incorporating the perspectives of the subject in negotiating meanings and outcomes and learning as a researcher to find and include my own voice in my work.

about the notions of reality and truth in their work. First, they saw their role as appreciating and reporting legal phenomena as accurately as the available analysis tools allow, not as an absolute fact, as would a positivist. Second, several discussed the "discovery" component of their work, most seeing it as similar to the natural sciences, but recognizing the non-absolute nature of their research subject. None purported to be searching for some true reality, a defining feature of positivism.

In discussing appreciating and reporting legal phenomena, an older realist scholar with a background in the social sciences, and who has worked with empirical methods in addressing legal issues, submitted that he assumes that there is a reality: "Yeah, there is a real world. Of course, it's fluid and influenced by perceptions [and includes] people who are capable of . . . living with illusions about things and so on . . . . Somehow, [however], I have a sense of under it all there is a kind of reality that can be explained." He explained his empirical work in law in postpositivist terms, however; as "an imperfect quest for explanation as opposed to justification or using [research] for instrumental purposes."

A realist scholar engaged in the economic analysis of the law viewed his goal similarly, as understanding phenomena, but accepted that he cannot do so fully:

> I have more of a scientists' goal of understanding and appreciating the role of a phenomenon; why a rule exists, what effect a rule has. . . . [T]he goal would be to have accurate description [of phenomena], but I think that it is not really possible. One interesting thing that comes up is that basically everything I am interested in often becomes an empirical question, but is often an unknowable empirical question. Now, I have no training in advanced econometrics and modeling, so it is sort of a relief to me for that reason to conclude that the people who do know [about these things] can't prove anything anyway.

He offered that only by establishing "two planet Earth's" and watching one from the other,

while changing one thing on the planet being observed, could we ever really know anything: "I think it's only a limitation on our abilities that we can't find the effect [of some phenomenon]. If you could have a computer model that could incorporate every fact about the world totally accurately -- if we could create a replica world -- then we could find out, but that's not really possible."

A realist scholar with an extensive background in sociology agreed. He proposed that scholars in law and elsewhere are basically "trying out hypotheses. If [something] passes a hypothesis test . . . it just means this hypothesis is more predictable:"

> I think all academics are just trying to increase our body of knowledge, [and that] body of knowledge is just a set of hypotheses that may or may not be true. [For] some of them, we think we have more evidence than [for] others, but we are pushing the envelope to try to explain more and more, realizing that [we] are never going to fully explain everything. The social sciences are that way.

Legal scholarship, therefore, is less about discovering some single reality, according to these realist scholars, and "more just a process of getting more and more usable [information] about the world." Were same to be the case among social scientists, the positivist classification in the Lincoln and Guba typology would similarly be inapplicable.

In their second set of comments, discussing the relationship between reality and discovery several of the realist scholars viewed "discovery" as "an obligation on the part of someone doing research," as did a mid-career legal scholar who works with economic theory: "There have to be discovery components. And to some extent, legal research is moving in that direction. There's more of that kind of research in law than there used to be. And I certainly start my own work for the most part thinking that there is something I'm going to discover." He added, however, that his "discoveries" were not like those in the hard science, suggesting that "law is somehow less tangible than that."

Similarly, one mid-career realist scholar offered that he is trying to discover

something about the law or the world when he writes a piece, in a way similar to those in the hard sciences. He argued, though, that "a lot of problems in legal theory ought to be thought of as factual and approached as factual problems." He also saw his work "in the nature of clarification rather than providing answers," suggesting the inherent impossibility of establishing the truth about a human-created construct, as compared to a natural phenomenon:

> Here's a set of issues people have not yet been aware of and people ought to be up front about them. There are certain hidden premises that run through a lot of legal arguments and let's expose them. I've done several articles like that. . . . I think one of the most useful things that legal scholars can do is to just bring sort of the analytical rigor of legal thinking to clarifying, identifying what issues are.

Another mid-career legal scholar who works with economic theory explained his notion of discovery similarly:

> You might be trying to discover a pattern in the facts, and you might find an organizing principle in cases that predicts how they will come out. In that sense, you would be doing something like what a natural scientist does in bringing in a model out [of some] physical process, but he would be doing so presumably with the recognition that there is a great difference of opinion of the physical process which lets me know to obey the same rules every time. A process that involves human behavior, which can be modeled, I suppose, is governed by some general principle.

A realist scholar who focuses most of his attention on doctrinal work best represented the legal realist position on reality and truth:

> Truth changes as society moves and evolves and principles, including legal principles, change. I call myself a 'modernist' in the sense that any case that is more than ten years old is inherently suspect. I start very much with

where the law is now. The pendulum of history swings back and forth and truth is a relative term based upon the context in which we find ourselves. But even though it is ever changing, it still is something.

It is exactly the recognition that reality likely exists, but that is ever-changing and therefore impossible to ever fully apprehend, that marks postpositivism in law as well as in the social sciences.

Objectivity. The legal realists viewed objectivity as central in their work, but clearly saw it more as a standard (as would a postpositivist) than an end in itself (as would a positivist).

Each reflected the view of one mid-career realist scholar who viewed objectivity not as being purely neutral in his work, which he saw as beyond human capacity, but as being intellectually honest. He believed in recognizing and stating his biases as fully as possible "and moving on:"

> I don't shy away from the word [objective] the way some people might. The term I would use is 'intellectually honest.' [In other words, you should] follow an argument wherever it goes. There's nothing wrong with having agendas. That's why I use 'intellectual honesty' rather than objectivity. Objectivity doesn't necessarily mean neutrality. We all come with all sorts of predispositions, predilections, preferences and so forth. But they ought to be out there on the table; they ought to be expressly identified. And they always ought to be subject to reexamination, if proven to be false. [You should] be open about your premises.

Another realist scholar echoed his thoughts (even suggesting a hint of relativism):

> I don't think objectivity is . . . about not having preferences. . . . [You are better off] the more you're aware of your preferences or biases, and your own shortcomings, and of the arguments on both sides. [The trick is taking] into account those biases. Then you can see them and not have your

> puzzle-solving capacity impaired or undermined by your preferences . . . . So, [objectivity] is not to be free of preferences but to be totally self-conscious about them. And my own sense of the game is . . . to acknowledge them as part of the work, [even though] it's hard . . .to talk in such an abstract way.

One law and economics scholar summed up the views on objectivity and bias of several of his realist colleagues (and of postpositivist scholars, generally): "Well, obviously [claims of objectivity] are difficult claims to make. They're claims I sort of want to make, I guess. [But, when one has to choose among factors,] it's an opinion to say which one you count more . . . and . . . of course, I don't claim to know the magnitudes on either side."

In addressing objectivity, a realist scholar trained in the social sciences offered a somewhat different approach. He attempts to offer "structural explanations [of phenomena . . . that are] supported by evidence that you think other people will believe and is credible." He noted that the evidence in explanatory work is often shaped by individual biases:

> In explanatory work . . . what bias means is that you pick one explanation or another explanation because of some political agenda or moral agenda. [Sometimes this is because] the type of explanation used has a political and moral consequence. That's where it gets very tricky in trying to take bias out of it. I think all you can do is . . . realize that some people have . . . very strong political reasons for believing [an] explanation and you need to be sure that . . . explanations really are tested by credible evidence.

Still, "I think most people think . . . if you do [research on a problem] carefully, you can contribute and add to our understanding of it . . . ."

Other realists viewed objectivity similarly, but more in terms of applying models and accurately reporting their results. One scholar who engages in the economic analysis of the law compared his work to proving a mathematical model and contrasts it with what

he sees as typical legal scholarship, which is "just a list of arguments why [someone] thinks something should be a certain way:"

> I mean you've got to have some model that's mathematical that proves your result with your rigorous manner or you've got to have some statistical analysis that proves your result; that tries to make your case in an empirical manner. . . . [In my] research, I don't know precisely what the results and outcomes will be. Somewhere along the way, I set up a model or set up some sort of theoretical framework and work through it and see what the answer comes out. Sometimes the answer will be a counterintuitive answer.

Another scholar, one with a background in engineering, related engineering to law, submitting that legal scholarship is like doing a story problem in math:

> . . . [A] lot of things you do in law [scholarship] require you to find a right answer, and you sort of apply case law and statutes to a problem. You know it's like a story problem; I tell you a story and you have to figure out a solution . . . . I said 'okay I have these tools -- I know that I have differential equations and certain stress equations -- and I'm going to apply all these things and crank out the answer.' [In legal scholarship] you always question the answer that you get, but at some point you have to crank out the answer and . . . apply statutes and . . . talk about the relationship of the common law to the problem and say how does it connect. So that's why I don't think [legal scholarship is] that different [than reasoning in engineering].

Even though the legal realists recognized that they cannot approach their work without personal bias, they continue to portray it as being objective. One realist scholar who does economic analysis offered that the type of work that he does helps ensure his objectivity:

> Well, I would argue that economics does help in [that] it's a [mark of] pride to meet this goal of objectivity. Largely because if you force yourself to remain within some rigorous . . . framework -- if you force yourself to rely on some economic model for example and the model is general enough it's able to incorporate a number of different assumptions to give you a number of different results -- then you're more likely to be objective in your research. And so I think that law and economics research, for me, is sort of a way of bringing some objectivity to my research.

He noted that critical scholars hold the opposite view of economic analysis, but answered their criticism:

> In fact, people who do critical studies argue just the opposite. They say law and economics is the last . . . thing you can think of as objective. They argue that we're all just trying to advocate certain political positions and use mathematics and statistics to just pull the wool over everyone's eyes and sort of get our political positions to fit [within the models]. But I think really it's just the opposite; it's the introduction of scientific methods in economics. It places restrictions and limits one's ability to make purely political or ideological arguments and to push those. It is, in fact, working without some sort of rigorous framework or some sort of . . . rigorous empirical model [that one] runs the greatest risk of failing to be objective. We all have our prejudices [and biases]; no one is perfect. Yet, there has to be some way to sort of control those biases, or prevent them from totally determining the direction your work takes, and it strikes me that mathematics is one of the important advances [in that direction]. One of the reasons mathematics have gained such important inroads in social sciences is that I think people recognize it's very hard to . . . use math to make a political argument; [to] use mathematical models as sort of a tool of

> advocacy. They don't work that way. They'll give you results that you don't want to see . . . if you'd have a certain political position. It's when you work without the structure imposed by a lot of these scientific methods, that you're in fact more likely to get the results that you want to see . . . [and be] confronted with the contradictory evidence either in your theory or in the empirical results.

Finally, a few realist scholars offered a distinction between objectivity in normative and some empirical work. One argued that legal scholarship is objective provided it remains normative and does not attempt to predict behavior, which is the basis of much empirical work. Legal scholars can be objective, therefore, in their normative work because the emphasis is on argument and in their empirical work to the extent that it focuses only on description. One law and economics scholar, accordingly, characterized his descriptive work as neutral: "I don't see myself as trying to move the world in any particular direction. [With] the kind of stuff I do, I'm not sure there's much potential for being biased. It's not clear how your political views would affect that you're asking a simple question."

Each legal scholar who did not work with critical theory or interpretive models shared a postpositivist view of objectivity, just as they qualified their understanding of their ability to grasp reality and truth in absolute terms. The legal realists purported to be objective, but also recognized their limits as inquirers, reducing objectivity to a standard toward which to strive as opposed to an end in itself. Once again, their comments call into question whether any scholar studying a human construction could view reality, truth, or objectivity without qualification.

CRITICAL SCHOLARS

The critical scholars in law adopted a realist ontology, but believe it is shaped over time by social values, and an subjectivist epistemology. Their assumptions conformed with how social scientists working with critical theory view these constructs, suggesting

the applicability of the Lincoln and Guba framework beyond the social sciences.

Reality and Truth. In his reflections reality, one critical scholar captured the view of the others:

> I certainly think there are things out there. I don't think that reality may be diffused until you try to kick it or something. . . . What's on my mind when I look out there is . . . an attractive ideal for the political order; . . . the democratic ideal. It has certain effects and institutional requirements to be realized and those are under attack. I think about trying to specify those requirements, given changing circumstances in the world, and then achieving them. That's really all I'm interested in.

His concern is both with trying to understand the aspects of the real world which fall short of his ideal for the political order and with the "consideration of strategies in life that might close" the gap. Similarly, critical scholarship, according to another critical scholar, is "descriptive of reality" but with a focus upon pointing "out ways that it needs to be changed and that it could be changed:" "[Reality] reinforces certain patterns that are useful to some people and not to others. You can [come to] know a lot about power relationships and conflicts and how they're resolved."

Another critical scholar suggested the link between discovering facts and affecting social change in her work. Her principal goal in taking a critical approach is to show how law affects gays and lesbians, as well as to effect change:

> Generally, I'm trying to change what's out there, but I suppose you could put part of that into a discovery description. In . . . either feminist [work] or from another critical perspective, like gay and lesbian studies, the first thing you're doing is showing how the current ways of doing things are skewed and unfair and reflect a bias. You could describe that as a discovery, right? And then the change would be a correction to make the law more fair to eliminate the bias.

She submitted that there is a reality in the legal issues that she studies; one "in terms of what's out there now is real; it might be unjust or it might be biased, but it's what's going to hit you over the head if you walk into court." Finally, one critical scholar suggested the connection between reality and a social change agenda in describing "reality" as the theoretical perspective that "informs his work:"

> I think of myself as one person with a relatively simple set of concerns and pretty unified set of concerns. . . . In terms of my work, I see it as unified around basically one theoretical/empirical question and one set of political motivations. The theoretical/empirical question is, what are the institutional conditions of the working democracy? And the political stuff I do is largely about how can those interested in democracy get themselves better organized to provide those conditions?

Objectivity. One critical scholar that I interviewed spoke for the others when she noted critical scholars differ from legal realists in their recognition of the inherent subjectivity in their work; a view that makes objectivity inappropriate even as simply an effectively unattainable goal or standard:

> . . . [M]ost legal academics -- most people in the school -- think that what they're doing is neutral and objective and independent of their values, and I think that's a bunch of baloney. I don't think that you can possibly assess law and write about what law should be without infusing it with your values. Law and economics [scholars] think that they use a neutral, objective type of analysis that is independent of biases and not ideological like [critical] feminism. I think that feminists are much more self aware, much more honest. [For law and economics scholars] to think that they're applying a value-free system to me is just totally disingenuous, whether consciously or unconsciously. Implicit in the use of that approach, especially across the board, is necessarily certain values. . . . I think most

> feminists, most critical race scholars, most gay and lesbian scholars would all agree that what they're doing is value-laden: not objective, not neutral, and ideological in some sense. But they would say [to the law and economics people] 'so is yours.'

Another critical scholar offered a similar thought. Although she believes certain, descriptive-type work can be objective, she does not choose to do that kind of work; objectivity, therefore, is neither possible or desirable for her:

> I don't think . . . that it's possible to be neutral and objective. . . . [A]nd I'm saying this for me personally, it's not desired. Which is not to say that there isn't any, or a lot of, descriptive, neutral social scientific work about the way things work . . . . But for me, personally, that's not the kind of work [I do]. . . . I know that I'm not a neutral observer and I don't think anybody really is.

She added that people who believe they are objective are those "whose platforms are invisible." Her task is to unveil these. At the same time, she attempts to make her own biases clear in her work.

One critical scholar offered a slightly different view of the issue of objectivity in critical work. He suggested that the conception of truth as being "in the service of a certain political project or ethical project" causes him to be less concerned about objectivity. His pragmatic conception of truth ". . . offers itself in ways that are replicable and subject to verification within that broad frame. So, [questions of objectivity do] not trouble me too much." He suggested that because everyone has what is "essentially a pragmatic theory of truth" -- one which is based upon the project he or she is attempting to advance -- all facts are theory-laden and that what one sees as an interesting research question depends upon the research paradigm in which he or she is working.

In the end, the legal scholars working with critical theory held ontological and epistemological assumptions parallel to their peers in the social scientists, perhaps because

legal scholars, particularly critical scholars, have traditionally drawn many of their ideas from social science disciplines.

INTERPRETIVE SCHOLARS

The interpretive scholars based their work on understanding multiple realities and believed that the scholar creates, rather than discovers, findings.

Reality and Truth. One interpretive legal scholar captured the beliefs of the others when he described his work as being about creating, not discovering, findings:

> I guess I really don't think there is a 'there' out there to be discovered. I can understand somebody who said he was discovering something is out there and that's true and that we haven't apprehended. But I think that legal scholarship is more constructed than that; that we're making something there by talking about it. I think that we have a community of people with certain interests and by talking with each other they create something. So, I guess I don't feel like I'm so much discovering something as much as creating something. That's a good model for science -- there is something out there that's being revealed and discovered -- but certainly I don't feel that way about my own legal scholarship and discovery. I'm creating.

Another added that legal scholarship "is more a question of understanding and adding texture; " that the notion of "coming out of a laboratory and [having] discovered this kind of thing [is] so unfamiliar to us."

Similarly, in discussing how he approaches a research question, a legal historian noted that "I don't sit down and say 'here is a thesis I'm going to prove that it's [true].'" He sees his work as "a search for the description or analysis of hunches backed up by facts along with a selective re-imagination of the past world." The same legal historian characterized his work as pursuing multiple realities and truths: "I think the historians are pursuing bounded truths or small 'T' truths, recognizing their multiplicity, [but] nonetheless [not letting things] slide into pure relativity." Another portrayed her work as

quite simply "trying to understand and explain" the law without the "fantasy that I could come up with that one true idea."

The interpretive scholars, however, were careful to differentiate their belief in multiple constructed realities with pure relativism, as one suggested:

> Well, I'm skeptical enough about those sorts of ideas of [reality] to doubt that there is a thing out there available to be retrieved if you have the methodology to retrieve it. But it already exists. But by the same token, I don't dismiss outright the notion that we can discover some phenomenon of some, dare I say, facts out there that might be useful. What I think is that the stuff that needs to be found is sometimes outside of legal reporters. So that political argument, political theory, some empirical facts about judicial practices all can sort of inform a critical assessment of what judges are doing. I'm not sure I equate that with sort of finding the truth. I think I equate that with more adding to what would otherwise be an incomplete picture, and taking legal decisions in particular out of the vacuum in which they're sometimes analyzed, and sort of broadening the background so you can understand the context a little better.

One interpretive scholar suggested that just because realities are multiple does not mean they do not exist: "there is a reality that we can all look at and agree on at some level," otherwise scholarship becomes "an almost endless vortex where if you go to the bottom [everything becomes relative] and you cannot do it."

Finally, interpretive theory is often a reaction to the realist ontology of other paradigms. One interpretive legal scholar suggested that proponents of both critical theory and law and economics "share one thing in common: that if you get the doctrine right the world will change." With law and economics the belief is "if we can only get the right rules in place then the world will suddenly be right." What they forget is "how are you going to deal with discretion?"

Objectivity. The interpretive scholars focused upon the subjectivity inherent in legal scholarship; both subjectivity within the subject and with the scholar. One scholar suggested that his fellow legal scholars cannot possibly be objective because their raw materials, court decisions, are not objective: "When you read law enough, I think if you're at all honest with yourself you just can't maintain the belief that [objectivity] is possible. [You see] so many hijinx on the part of the court that you would just have to be self-deceiving in a very extreme degree to believe that neutrality is possible."

Interpretive scholars also noted their own biases and what effect they have on their work: "I think that [good scholarship] is a question of accepting and acknowledging and accounting for the inevitability of certain subjectivity in the way you understand the world. I'm not sure that I say [that I am objective] in my work. I certainly say it is about what we should not be after." A legal historian volunteered a similar notion about objectivity in his work: "I don't think any working historian in the 1990's would [conform] to the 1920's myth of objectivity. Nonetheless, we work with some chastened idea of objectivity which may mean simply attentiveness to the evidence [and] openness to the possibility of our hunches being wrong. Certainly there is the issue of lying and deliberate skewing of evidence." He stated that he attempts to walk a line between postpositivist and critical scholarship: "I would try to avoid both ends of the continuum, [either] that there is an objective past that you can recover if you're just clever enough and work hard enough, or the error that are pictures of the past, or projections backwards as time, [which portray] interests that wield power. Take your pick, both, I think, are frivolous."

Normative scholars viewed objectivity (outside of the notion of being intellectually honest) as less of a concern. A legal philosopher suggested that objectivity has little relevance to him given the work that he does: "in theoretical work, objectivity is not really a barrier." Another scholar dismissed objectivity as a concern since he focuses his work, although interpretive, upon advocacy:

I think I would have to be crazy to think that I'm not bringing my biases

into my work. I mean that's exactly what I'm doing. I do it very overtly. I view it as advocacy. I try to describe [things], but it's all about being opinionated. I guess I can sort of imagine trying not to be, but I don't think that would be very worthwhile so to speak. I don't really know whether objectivity is. I think there is such a thing. Well, I'm not sure why we need to be objective. I don't even aspire to be objective. I certainly agree that you don't mislead, or conceal, or try to be dishonest. If that's all that objectivity amounts to, fine. But I don't think there is something else out there that lets my own views get in the way of seeing the world.

Finally, in addressing empirical work, specifically, one interpretive legal scholar noted that "there are all kinds of leaps and assumptions that go into" all scholarship. Another scholar dismissed legal scholarship that attempts to provide predictability in the law as "determinist and doctrinaire." Legal scholarship should not be "a search for the right framework" to predict what courts would do in certain circumstances. Instead, legal scholarship should "take the veil off" legal decision making and, in doing so, scholars should discuss their own biases and agendas:

> I very much take the . . . perspective that in the long run it's better for judges to be as candid as possible about the choices they are making and why. So, I guess I would see my own scholarship the same way. I have a particular set of beliefs about the world. I think about justice in a particular way and I think that scholars should think about justice. But, I don't claim that I think about it in the only way you could possibly think about it. I'm [only] trying to develop some arguments that are consistent with those notions about justice and fairness and democracy. [These are] big concepts [for which] there is . . . no one single set of empirical criteria that you can say captures the idea . . . . It's normative. It's contested. People have different roles see things in a different way. So, let's just [have courts] sort

of bring that to the surface. So, I guess I would apply the same thing to scholars.

CONCLUSIONS AND IMPLICATIONS

Scholars working in law purported to hold ontological and epistemological assumptions corresponding to social scientists' and these classify both groups into three parallel inquiry paradigms. Since the social science-based typology that I adapted to law is the product of the broadest of constructs -- the world is either real or relative, facts are either true or speculative, scholars are either objective or subjective -- and because legal scholarship and work in the social sciences has several parallels, the fit between legal scholars and the typology seems reasonable.

I found the proponents of legal realism to parallel postpositivists in the social sciences in their paradigmatic assumptions, and critical and interpretive scholars in law held basic beliefs similar to their counterparts in other disciplines. The legal realists and critical scholars modified but retained a realist view of the world, while the interpretive scholars were relativist, each group paralleling its social science counterpart. The legal realists also adjusted but kept a belief in the separation between the inquirer and subject, while those working within the critical and interpretive paradigms recognized a belief that there is a necessary relationship between the two, again matching social scientists.

These similarities aid comparisons across disciplinary types of many sorts. Having a common framework for understanding all postpositivist scholars, for instance, allows the researcher to better compare postpositivists who work in different disciplines with one another. Researchers may apply knowledge about particular constructs -- faculty careers, disciplinary culture, knowledge and inquiry, etc. -- drawn from research about one discipline to scholars working in another discipline, provided they recognize the boundaries between paradigms and focus upon the similarities within them. The failure to be aware of paradigmatic differences can invite inappropriate comparisons, given the considerable differences in purposes, standards, methods, frameworks, values, audiences, vocabulary,

etc. between and among scholars working in the various paradigms. Research on the professional lives of sociologists, for instance, may provide a jumping off point for a researcher interested in the same topic referring to business professors or engineering faculty, but only if there are commonalities to use as a jumping-off point. Parallel paradigms provide that opportunity. Scholars working in different academic disciplines, of course, continue to have professional lives shaped by the unique substantive and cultural attributes of their field, but their common paradigmatic assumptions offer a basis of comparison not otherwise apparent.

These paradigmatic commonalties are also important in understanding interdisciplinary scholarship. A fuller appreciation that scholars working in different academic fields share similar paradigmatic assumptions -- and, accordingly, work within parallel paradigm-based cultures -- suggests a clear bridge between scholars based in different disciplines. It causes interdisciplinary work to make more conceptual sense. Understanding these links may also provide the most effective means to foster interdisciplinary work, a concept that is often discussed but appears to be difficult to operationalize. Viewing interdisciplinarity from a discipline-based perspective suggests differences, while a paradigm-based approach indicates the similarities necessary as a foundation for change. Because scholars working in the same paradigms share a common culture, the leap to interdisciplinary work may not be as long when considered within the context of work between and among people working in different disciplines but the same paradigm.

Even though I found the Lincoln and Guba typology to apply with law, I failed to find a group of legal scholars that paralleled what Lincoln and Guba labeled positivists in the social sciences. A positivist would argue that there is a single, discoverable reality that we can account for as objective researchers through testing and verifying questions and hypotheses. The legal formalists of a century ago reflected the positivist tradition in their endeavor to apprehend basic legal principles as something concrete based solely upon

rational argument and organizing and generalizing about legal doctrine. I found that even those scholars who most closely represent formalist ideals in their work -- particularly doctrinal scholars and proponents of law and economics -- did not perceive the product of their scholarship to be the discovery of legal doctrine as some pure reality; nor did they view their scholarship as devoid of their own constructions and influences. Instead, they adopted the legal realist conception of discovery and objectivity as standards toward which to work, rather than ends in themselves; a conception that parallels postpositive thought in the social sciences. They recognized the indeterminacy and subjectivity in the legal doctrine that is the product of courts and legislatures, and understood law to be a socially-constructed system that is not value-neutral, just as social scientists view the human phenonoma they study.

These findings may extend to the social sciences and other discipline types. Just as all legal scholars appear to reject the notion of unequivocal discovery, absolute truth, and pure objectivity, these notions may also be inadequate to describe how contemporary social scientists view their work and the world they study. It is reasonable to suggest, as have postpositivists for decades, that no scholar studying a human construction can really approach his or her task as discovering some unchanging truth and doing so without reference to his or her own experiences. In other words, there may not be any positivists among social scientists, only postpositivists. The same may also be true even for natural scientists; even those who do not study human perceptions and constructions, but natural phenomena, may hold a postpositivist view of discovery and objectivity. If so, the tradition of social scientists comparing themselves to natural scientists remains valid. It would not if data suggested that a positivist paradigm existed in the natural sciences.

It would be interesting to consider these questions using a different conceptual scheme. The Lincoln and Guba typology, for instance, divides people according to one set of binary variables (real or relative, objective or subjective, etc.), indicating their broadest ontological, epistemological, and methodological assumptions, and people necessarily fall

into a single category in the static classifications. (Given the simplicity of the typology that I adopted, none of the legal scholars that I interviewed could fall into multiple categories or no categories.) Another intriguing possibility might be to view individual paradigms as including within them a continuum and recognize that even though people fit into different categories they may occupy different places within them. Some critical scholars, for instance, may be closer to realist scholars in their basic assumptions and others may be closer to interpretive scholars. In other words, there may be degrees of commitment to concepts like objectivity or subjectivity.

However one chooses to compare scholars working in different disciplines according to their paradigmatic assumptions, understanding these similarities advances our appreciation of the worlds in which scholars practice their crafts. It also fosters the interdisciplinary conceptual and substantive borrowing the reshapes and expands knowledge. Even though elements of the Lincoln and Guba typology are inevitably arbitrary and incomplete for some purposes, like all frameworks, it remains a powerful tool. It recognizes and outlines the distinctions between and among scholars necessary in order to offer important generalizations about them that can help both understand and guide practice.

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